

## Penobscot Forest, LLC

- Excerpts from the Department's Record

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PAUL R. LEPAGE  
GOVERNOR

STATE OF MAINE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

PATRICIA W. AHO  
ACTING COMMISSIONER

MEMORANDUM

TO: Mike Mullen, Acting Director, BLWQ  
FROM: Patricia Aho, Acting Commissioner  
SUBJ: Grid-scale wind power permitting policy  
DATE: August 29, 2011

In order to provide for additional opportunities for public comment and input related to an application for a grid-scale expedited wind power project, the Maine Department of Environmental Protection will undertake the following process:

- An application is filed and, once deemed complete, a public meeting in the vicinity of the project location will be held by staff. Interested parties and members of the public, will have an opportunity to comment, ask questions and undertake a general discussion of related points.
- Staff will work to view application materials and will issue a draft analysis.
- A second public meeting in the vicinity of the project will be held with the Commissioner or Deputy Commissioner presiding. Interested parties and members of the public will have an opportunity to comment on the draft analysis.
- The additional comments and information will be considered and a final decision will be issued by the Department.

In order to allow for potential applicants to factor-in the more robust public process as part of their application time line, the new public comment policy relating to the permitting process will apply to applications submitted to the department after September 5, 2011.

CC: Jerry Reid, Office of the Attorney General  
DEP Senior Management Team  
Kenneth Fletcher, Director, Office of Energy Independence & Security  
Carlisle McLean, Senior Policy Advisor, Office of the Governor

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**Clukey, Robin**

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**From:** Clukey, Robin  
**Sent:** Monday, March 05, 2012 12:13 PM  
**To:** Jackson, Heather P  
**Subject:** RE: passadumkeag wind park

Hi Heather,

The public meeting is being held in Greenbush because it's the only town that the project passes through-  
 The entire application is located here:  
<http://www.maine.gov/dep/ftp/WindPowerProjectFiles/Passadumkeag/>  
 Section 30 deals with visual aspects of the project and was prepared by Dewan Associates and will be reviewed by an outside reviewer for compliance with the new (ish) wind rules under the site law.  
 Section 5 deals with noise, and will also be reviewed by an outside reviewer.

This is my 3<sup>rd</sup> wind power project! Mars Hill, Pisgh and Passadumkeag.

Robin

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**From:** Jackson, Heather P  
**Sent:** Monday, March 05, 2012 11:25 AM  
**To:** Clukey, Robin  
**Subject:** RE: passadumkeag wind park

Hi Robin, thanks so much for the information. I think the applicant has to meet a scenic and aesthetic standard - could the project be denied on that alone? The unmarked dirt roads get a little tricky out by West Lake - if you would like to follow me out to our property sometime during your review of the scenic part I'd be happy to take some vacation time and show you the view that my neighbors and I have looking west out across the lake - that I think could become a view of the turbines. The application mentioned other lakes nearby but didn't say much about West Lake, even though I believe my property on West Lake is only 6 miles away. Or maybe you could ask the applicant to include West Lake in their scenic review?

I'm going to avoid using my work email to communicate on this subject. If you don't mind sending a response to [Chris@fmgovaffairs.com](mailto:Chris@fmgovaffairs.com) it would be appreciated. Thanks in advance for your patience and effort making this a fair process for all impacted. Have you been a project manager for a wind farm before? Seems like a tough job. Heather

PS. Has consideration been given to holding a public information meeting in Enfield or Burlington? Seems like a lot more folks would be interested in those towns. Also, would I be able to hear the turbines downwind and 6 miles away? Also, I'm a little concerned that a lot of the people that use these lakes in the summer won't be able to be involved in this process since this application is being processed "off season." Could the review time be lengthened to allow for notification of the summer crowd in case they would like to provide input?

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**From:** Clukey, Robin  
**Sent:** Friday, March 02, 2012 10:19 AM  
**To:** Jackson, Heather P  
**Subject:** RE: passadumkeag wind park

The application was accepted as complete on the 27<sup>th</sup> of February.

There will be a public meeting in Greenbush within the next 6 weeks but the date has not been set. I have included a fact sheet which explains the public process and how you can stay involved.

4/20/2012

I have not been to the site yet, but I am familiar with the area.

Robin

---

**From:** Jackson, Heather P  
**Sent:** Friday, March 02, 2012 10:08 AM  
**To:** Clukey, Robin  
**Subject:** RE: passadumkeag wind park

So the application is formally in to DEP for review? What is the time frame of the review? How can the public be involved? Have you been to the site? Thanks, Heather

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**From:** Clukey, Robin  
**Sent:** Friday, March 02, 2012 10:00 AM  
**To:** Jackson, Heather P  
**Subject:** passadumkeag wind park

Hi Heather,

If you are interested, the file can be found here;

<http://www.maine.gov/dep/ftp/WindPowerProjectFiles/Passadumkeag/>

Robin Clukey, B.Envd, M.S.  
Division of Land Resource Regulation  
Eastern Maine Regional Office  
(207)446-1733  
[robin.clukey@maine.gov](mailto:robin.clukey@maine.gov)

Jackson letters

March 6, 2012

Robin Clukey  
Maine Department of Environmental Protection  
Eastern Maine Regional Office  
106 Hogan Road  
Bangor, Maine 04401

Dear Ms. Clukey:

I am writing to respectfully request that I be added as an "interested person" relating to the application for a wind farm on Passadumkeag Mountain in Grand Falls. My wife and I have property on the eastern shore of West Lake in the unorganized territory of T3 ND, and from the shoreline of our property, these wind turbines will be visible. Obviously we find this extremely distressing. And we are very troubled that our West Lake neighbors seem to know nothing about it. I assume the same is true for the surrounding areas (Howland, Enfield, Burlington).

Why wasn't West Lake listed in the scenic and aesthetic standard in the application? West Lake is part of the Robbins conservation easement and is known for its fisheries and wildlife, including landlocked salmon and bald eagles, among many other things. Was the conservation easement given consideration?

We believe that we would be approximately six miles away – downwind – and have serious concerns about the turbines ruining our wonderful view of the mountain and West Lake Ridge. Would we be able to hear the noise from the turbines? We also are very worried that the blinking lights on the 14 turbines will look terrible on such a remote and pristine area. We also believe that our property values will be negatively impacted.


We would also like to request a public hearing to be held. The application states that the visual impact to Soponac Pond would be medium to high. We believe that this project SHOULD NOT meet the scenic and aesthetic standard and that the visual impact to Soponac Pond is very high, and unacceptable.

The public hearings should be after the public information meeting and should be in Enfield and Burlington, where most of the people who would be living with the frequent views of such a massive development.

There are a couple other mountains and ridges (Lord Mountain and West Lake Ridge) next to the proposed development. Finally, we have heard that some clearing for the development has already begun...can you confirm this, and is this legal?

Thanks for your careful consideration of this project, in particular whether it meets the scenic and aesthetic standard and whether the department will hold public hearings on the project to allow for maximum public participation.

With great concern,

  
Chris Jackson  
32 Spear Drive  
Bowdoinham, ME 04008

Cc: Eagle Cove Lot Owners Association  
Jim Robbins, Robbins Lumber Company  
Jeff and Theresa Harriman, Niatous Lodge  
David Trahan, Sportsmans Alliance of Maine  
Kevin Gurall, Partnership for the Preservation of the Downeast Lakes Watershed  
Niatous Lake Campowner's Association  
Friends of Maine's Mountains  
Ken Fletcher, Governor's Office of Energy  
Commissioner Pattie Aho, Maine DEP  
Senator Kevin Raye, President of the Maine Senate (T3 ND)  
Senator Richard Rosen (Hancock)  
Senator Elizabeth Schneider (Penobscot)

**Clukey, Robin**

**From:** Chris Jackson [chris@fmgovaffairs.com]  
**Sent:** Wednesday, March 07, 2012 10:03 AM  
**To:** Clukey, Robin  
**Subject:** Re: proposed wind farm on Passadumkeag Mountain

Everything, please. Thank you so much, Robin.  
 Chris Jackson  
 FM Government Affairs  
 100 Water Street  
 Hallowell, ME 04347  
 207.620.7020 (w)  
 207.620.7028 (f)

\*\*\*\*\*

Sent via BlackBerry from T-Mobile

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**From:** "Clukey, Robin" <Robin.Clukey@maine.gov>  
**Date:** Wed, 7 Mar 2012 09:39:14 -0500  
**To:** Chris Jackson<Chris@fmgovaffairs.com>  
**Subject:** RE: proposed wind farm on Passadumkeag Mountain

Hello Chris (and Heather),

Thank you for your interest in the Passadumkeag Wind Park project. In your letter you request a public hearing; are you making that request per Chapter 2(7) Rules? I have attached Chapter 2 for your reference; please note the criteria section in Chapter 2(7)(b).

Also, you have requested to be an interested person. Do you wish to receive everything associated with the processing of the project or are there specific items that you are interested in such as the peer reviews of noise and visual impacts?

Best,

Robin

---

**From:** Chris Jackson [mailto:Chris@fmgovaffairs.com]  
**Sent:** Wednesday, March 07, 2012 8:08 AM  
**To:** Clukey, Robin  
**Cc:** rmailloux@maillouxmarden.com; prjsroy@roadrunner.com; peter@rbwglaw.com; caryan26@gmail.com; vaughnhersey@yahoo.com; rkdgreentake@aol.com; matt.borden@deadriver.com; hersey310@roadrunner.com; mascwilson@aol.com; donewilson@yahoo.com; jbiggarhersey@yahoo.com; phil2@mcphailrealty.com; jrobbins@rlco.com; nicatouslodge1@gmail.com; skilling@midmaine.com; toothdoc@midmaine.com; lbishop001@maine.rr.com; slugdon@usa.com; cponeil22@gmail.com; Fletcher, Kenneth C; Aho, Patricia; senatorraye@wwslsp.com; senator@kevinraye.com; rrosen113@aol.com; schneidersenate@gmail.com; Becky@SportsmansAllianceofMaine.org; info@ppdlw.org.  
**Subject:** proposed wind farm on Passadumkeag Mountain  
**Importance:** High

Dear Ms. Clukey:

4/20/2012



Please see the attached letter requesting to be an "interested person" with respect to the proposed wind farm on Passadumkeag Mountain. I also have raised numerous other questions, and have requested that you hold public hearings in Howland/Enfield and Burlington.  
Thanks very much for your consideration.

Chris Jackson



PAUL R. LEPAGE  
GOVERNOR

STATE OF MAINE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION



PATRICIA W. /  
COMMISSIONER

Jackson

March 13, 2012

Mr. Chris Jackson  
32 Spear Drive  
Bowdoinham, ME 04008

RE: DEP Project #L-25597-26-A-N/L-25597-TH-B-N  
Passadumkeag Wind Park, LLC, Greenbush

Dear Mr. Jackson:

Thank you for your letter of March 6, 2012 regarding the above-referenced application for a Site location of Development/Natural Resource Protection Act permits. Passadumkeag Wind Park, LLC filed an application to construct a grid-scale wind turbine project.

Staff reviewed your letter requesting that the Department hold a public hearing for the proposed project. According to Chapter Two, Rules Concerning the Processing of Applications and Other Administrative Matters, "the Department will hold public hearings in those instances where the Department determines there is credible conflicting technical information regarding a licensing criteria and it is likely that a public hearing will assist the decision maker in understanding the evidence." Although your letter refers to general concerns regarding environmental impacts associated with the proposed wind park, including visual and noise impacts, staff reviewed your letter and advised me that it does not contain credible conflicting technical information regarding licensing criteria to support a public hearing. The Department considered your request carefully and has determined that there is insufficient justification to hold a public hearing for the pending application.

Nonetheless, we welcome and consider any comments submitted during the review of the pending applications. It is my understanding that the project outlined in the Passadumkeag Wind Park, LLC application is to license 14 turbines. The Department will be hosting two public meetings in the Town of Greenbush as it is the only organized town that the project is located within, which is consistent with current Department policy.

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Letter to Chris Jackson  
March 13, 2012

Page 2 of 2

I understand your concerns about the proposed wind turbine farm and I encourage you provide input into the local planning process guiding development. Again, thank you for your letter. If you have further questions, please contact Robin Clukey, project manager, at 446-1733 or by email at [robin.clukey@maine.gov](mailto:robin.clukey@maine.gov).

Sincerely,



Patricia W. Aho  
Commissioner

Cc: Robin Clukey, DEP ([robin.clukey@maine.gov](mailto:robin.clukey@maine.gov))  
Jim Beyer, DEP ([jim.r.beyer@maine.gov](mailto:jim.r.beyer@maine.gov))  
Brooke Barnes, Stantec ([brooke.barnes@stantec.com](mailto:brooke.barnes@stantec.com))

**Clukey, Robin**

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**From:** Chris Jackson [chris@fmgovaffairs.com]**Sent:** Thursday, March 15, 2012 2:38 PM**To:** Clukey, Robin**Subject:** Re: Passadumkeag Wind Park Review Memo

Got it. Thanks Robin for your careful consideration of this application. My best, Chris

Chris Jackson

FM Government Affairs

100 Water Street

Hallowell, ME 04347

207.620.7020 (w)

207.620.7028 (f)

\*\*\*\*\*

Sent via BlackBerry from T-Mobile

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**From:** "Clukey, Robin" <Robin.Clukey@maine.gov>**Date:** Thu, 15 Mar 2012 14:10:45 -0400**To:** <chris@fmgovaffairs.com>**Subject:** RE: Passadumkeag Wind Park Review Memo

If by 'we' you mean the people who received this email, then yes, everyone who received this email is on my interested parties list.

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**From:** Chris Jackson [mailto:chris@fmgovaffairs.com]**Sent:** Thursday, March 15, 2012 12:31 PM**To:** Clukey, Robin**Subject:** Re: Passadumkeag Wind Park Review Memo

Thanks Robin. Are we the only interested persons?

Chris Jackson

FM Government Affairs

100 Water Street

Hallowell, ME 04347

207.620.7020 (w)

207.620.7028 (f)

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Sent via BlackBerry from T-Mobile

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**From:** "Clukey, Robin" <Robin.Clukey@maine.gov>**Date:** Thu, 15 Mar 2012 11:43:37 -0400**To:** Chris Jackson<chris@fmgovaffairs.com>; <skilling@midmaine.com>;

&lt;matt.borden@deadriver.com&gt;; &lt;peter@rbwglaw.com&gt;; Katie

Donovan&lt;rkdgreenlake@aol.com&gt;

**Cc:** Barnes, Brooke<brooke.barnes@stantec.com>**Subject:** FW: Passadumkeag Wind Park Review Memo

4/20/2012

You are receiving this email because you are on the Department's Interested Party List for the Passadumkeag Wind Park, LLC application.

Robin

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**From:** Rector, Amanda K.  
**Sent:** Thursday, March 15, 2012 10:47 AM  
**To:** Clukey, Robin  
**Subject:** RE: Passadumkeag Wind Park Review Memo

Hi Robin,

Attached please find my review of the tangible benefits section of the application. If you have any questions, please let me know.

Amanda

Amanda Rector  
State Economist  
Maine State Planning Office  
38 State House Station  
Augusta, Maine 04330  
[Amanda.Rector@Maine.gov](mailto:Amanda.Rector@Maine.gov)  
(207) 624-6206

**Clukey, Robin**

**From:** Chris Jackson [Chris@fmgovaffairs.com]  
**Sent:** Friday, March 23, 2012 2:45 PM  
**To:** Clukey, Robin; skilling@midmaine.com; matt.borden@deadriver.com; peter@rbwglaw.com; 'Katie Donovan'; 'Gail Bishop'; dowewilson@aol.com; 'Herseys'; 'Nicalous Lodge'; 'Scott & Susan McIntyre'; geneb@collabric.net; nsambides@bangordailynews.com  
**Cc:** Beyer, Jim R; Mullen, Mike; DePoy-Warren, Samantha; 'Barnes, Brooke'  
**Subject:** RE: Interested Parties Information

Thanks Robin,  
 I would still like to be emailed new information to ensure I get it as quickly as possible. If it is left for me to peruse a file on the department's website, it is possible, if not likely, that I will miss something...and I can't have that!  
 Thanks again,  
 Chris

Chris Jackson  
 FM Government Affairs  
 100 Water Street  
 Hallowell, Maine 04347  
 207.620.7020 (w)  
 207.620.7028 (f)

**From:** Clukey, Robin [mailto:Robin.Clukey@maine.gov]  
**Sent:** Friday, March 23, 2012 2:41 PM  
**To:** Chris Jackson; skilling@midmaine.com; matt.borden@deadriver.com; peter@rbwglaw.com; Katie Donovan; Gail Bishop; dowewilson@aol.com; Herseys; Nicalous Lodge; Scott & Susan McIntyre; geneb@collabric.net; nsambides@bangordailynews.com  
**Cc:** Beyer, Jim R; Mullen, Mike; DePoy-Warren, Samantha; Barnes, Brooke  
**Subject:** Interested Parties Information

Hello,

You are receiving this email because you have indicated to the Department that you wish to be an 'Interested Party' to the processing of the Passadumkeag Windpark, LLC project. To facilitate the dissemination of information in a timely and systematic manner, public information added to the project file will be placed in a folder labeled '*Interested Parties Information*' on Tuesdays (starting 03/27/2012) of each week to the FTP site. Please check back regularly to view any updates. Here is a link to the FTP site:

<http://www.maine.gov/dep/ftp/WindPowerProjectFiles/Passadumkeag/>

Please let me know if you have any questions.

Thank you,

Robin Clukey

Robin Clukey, B.Envd, M.S.  
 Division of Land Resource Regulation  
 Eastern Maine Regional Office  
 (207)446-1733  
[robin.clukey@maine.gov](mailto:robin.clukey@maine.gov)

Jackson

**Clukey, Robin**

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**From:** Chris Jackson [Chris@fmgovaffairs.com]  
**Sent:** Wednesday, April 25, 2012 10:07 AM  
**To:** Clukey, Robin  
**Subject:** RE: passadumkeag wind park  
Thanks Robin. See you tonight, I guess?

Chris Jackson  
FM Government Affairs  
100 Water Street  
Hallowell, Maine 04347  
207.620.7020 (w)  
207.620.7028 (f)

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**From:** Clukey, Robin [mailto:Robin.Clukey@maine.gov]  
**Sent:** Wednesday, April 25, 2012 9:59 AM  
**To:** Chris Jackson  
**Subject:** RE: passadumkeag wind park

Chris,

There will also be a second pubic meeting, which will be attended by the Department's Commissioner, in the summer months if anyone is interested in attending.

Robin

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**From:** Chris Jackson [mailto:Chris@fmgovaffairs.com]  
**Sent:** Tuesday, April 24, 2012 1:14 PM  
**To:** Clukey, Robin; Jackson, Heather P  
**Subject:** RE: passadumkeag wind park

Great, thanks. I have been asked by people who are not able to make the meeting tomorrow. Thanks for the information.  
CJ

Chris Jackson  
FM Government Affairs  
100 Water Street  
Hallowell, Maine 04347  
207.620.7020 (w)  
207.620.7028 (f)

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**From:** Clukey, Robin [mailto:Robin.Clukey@maine.gov]  
**Sent:** Tuesday, April 24, 2012 1:11 PM  
**To:** Jackson, Heather P; Chris Jackson  
**Subject:** RE: passadumkeag wind park

4/30/2012

Hello Heather and Chris,

The Department accepts written public comment on any project until the Commissioner signs an Order (final agency action).

Best,

Robin

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**From:** Jackson, Heather P  
**Sent:** Tuesday, April 24, 2012 10:39 AM  
**To:** Clukey, Robin  
**Subject:** RE: passadumkeag wind park

Robin, how long will you be accepting written public comment on this project?



July 7, 2012

Dear Mr. Jim Beyer,

Thank you for this opportunity to comment to the Maine Department of Environmental Protection on the proposed Passadumkeag Mountain wind development. I am opposed to this project and I hope the DEP will deny the project because scenic impacts to Saponac Pond are unreasonable. These 14 towers would be too high, too big, and the red lights at night are heartbreaking for those who live in or go to this remote area to get away from the lights of the cities and enjoy the stars. I believe the Department should adjust the 2.1 visual impact score for this lake to something higher to put greater weight on the nearby residents and camp owners and visitors who did not get to take part in the applicant's survey but have since communicated concern to you and who are horrified about having the focal point of the area become an industrial wind development.

I also think the development should be denied because of a deficiency of "significant tangible benefits." It seems to me that most of us in the area will never personally see a single benefit. Many of us within eight miles of the project are across the county line in Hancock. There are no benefits proposed to those of us in Hancock County, yet if approved, my neighbors and I will be seeing the turbines/lights across West Lake centered in our sunset view for perhaps the rest of our lives. If DEP approves this project we will be impacting a beautiful piece of Maine and perhaps reducing property values for not much in return – nothing in my case. Zero benefits. As I understand it, profits for this project will go to Texas, and the power will go to Western Mass. Ironically, many of us in this area do not even have power. My husband and I purchased our land on West Lake for camping trips with the lack of electricity as an attribute.

I hope that since DEP shares applications like this one with IF&W for their comments, that DEP will also take what little time is left in this review period to get comments from LURC so that LURC can comment on how this development fits in with the CLUP. My guess is that LURC would not approve of this project if given the chance since they recently denied the similar Bowers Mountain wind development. Those of us in this eight mile radius area do not have a town, and are not given the chance to have a vote on this massive development like some other wind development projects around the State. Since we are in the unorganized territory LURC normally be our governing body and they are not being heard.

In addition to denying this project based on the unreasonable scenic impacts to resources of State significance (Saponac Pond, Nicatous Lake, and the neighboring Robins Conservation Easement that has been classified as one of "State Significance"), and based on the lack of significant tangible benefits, the State should consider a moratorium on industrial wind projects to allow Mainers more time to figure out

what our State policy on wind developments should be. Do we really want to target our remote mountain ridges? By having an expedited permitting area in some of the most undeveloped places in the State we are targeting areas that do not have town governments, where local people will not get a vote in such a massive visual change to their home. This leaves people feeling helpless and angry (and puts DEP project managers in a difficult situation). In addition, these are the areas that Mainers treasure, that give us a sense of place, and that tourists want to visit.

If this project is approved, in my case, instead of driving a few hours north to go camping in the woods, we are going to feel like we are driving a few hours north to the industrial wind development. As my family and I get closer and closer to the woods and lakes of this region the excitement builds – that would be replaced with curious anxiety about the looming \$80 million turbines hovering over the area. In addition it will be hard not to think of the bats, eagles, hawks or other birds that will be killed weekly or daily. We would always be wondering if the red blinking tower lights at night reflecting across the lake are bothering the nesting or feeding habits of the loons. In addition, if this project is approved it would not be fair to the owners of places like Nicatous Lodge who get their business from tourists who come to a rural place to be in wilderness – not to an area dominated by an energy generating plant.

DEP is allowed to evaluate impacts within an eight mile radius of the proposed wind development, but other wind developments in the State are seen 20 miles away or more. A project like this has the ability to single handedly change the feel of a place – and given the significant State resources next to Passadumkeag Mountain that would be unreasonably impacted, this project should be denied by DEP.

Thanks for this opportunity to comment.

Heather Jackson

Bowdoinham, ME and West Lake, ME

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**From:** Aho, Patricia  
**Sent:** Tuesday, July 10, 2012 8:03 AM  
**To:** Beyer, Jim R  
**Cc:** Bergeron, Mark  
**Subject:** FW: Passadumkeag Mountain

Here is a the most recent email from Mr. Jackson

Patricia Aho  
 Commissioner  
 Maine Department of Environmental Protection  
 207-287-2812  
[Patricia.Aho@Maine.gov](mailto:Patricia.Aho@Maine.gov)

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**From:** Chris Jackson [<mailto:Chris@fmgovaffairs.com>]  
**Sent:** Monday, July 09, 2012 9:25 AM  
**To:** Aho, Patricia  
**Subject:** RE: Passadumkeag Mountain

Thanks Commissioner. I am already listed as an interested person and have been in regular contact with the project managers about this. I plan to attend the July 12<sup>th</sup> meeting, and also attended the previous meeting on the proposal. My question specifically is whether you have visited the site, or if you intend to. I think it would help inform your decision making, specifically with regard to the extremely negative visual impacts of the proposed project. Thanks again for your attention.

My best,  
 Chris

Chris Jackson  
 FMJ Government Affairs  
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 Augusta, Maine 04330  
 207.620.7020 (w)  
 207.632.6005 (c)

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**From:** Aho, Patricia [<mailto:Patricia.Aho@maine.gov>]  
**Sent:** Monday, July 02, 2012 8:08 AM  
**To:** Chris Jackson  
**Cc:** [Jim.R.Beyer@maine.gov](mailto:Jim.R.Beyer@maine.gov); [Robin.Clukey@maine.gov](mailto:Robin.Clukey@maine.gov)  
**Subject:** RE: Passadumkeag Mountain

Good Morning Chris – the next public input session is scheduled for July 12<sup>th</sup>. I have copied Jim Beyer, our permitting coordinator for the Eastern Maine Region on this email so he can add your contact information to the list of interested persons on this application. Materials will be available on our website approximately 1 week prior to the input session. Thank you very much,  
 Pattie Aho

Patricia Aho  
 Commissioner  
 Maine Department of Environmental Protection

207-287-2812  
[Patricia.Aho@Maine.gov](mailto:Patricia.Aho@Maine.gov)

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**From:** Chris Jackson [<mailto:Chris@fmgovaffairs.com>]  
**Sent:** Monday, July 02, 2012 7:27 AM  
**To:** Aho, Patricia  
**Subject:** Passadumkeag Mountain

Hi Commissioner,

I hope this note finds you well. I am writing to see if you have scheduled a site visit to Passadumkeag Mountain, and the surrounding lakes and ponds, to help with your review of the 14 turbine wind project application? Please let me know if there is anything we can do to help with that. Thanks very much, and I hope to catch up with you soon.

Chris Jackson

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**From:** Aho, Patricia  
**Sent:** Friday, July 13, 2012 2:01 PM  
**To:** Kuhns, Mick; Bergeron, Mark; Beyer, Jim R  
**Subject:** RE: Quick list of issues raised

Thanks Mick. I've done a quick read of the wind energy act and I do think we have some room to undertake additional analysis on some of the concerns raised last evening.

Patricia Aho  
Commissioner  
Maine Department of Environmental Protection  
207-287-2812  
[Patricia.Aho@Maine.gov](mailto:Patricia.Aho@Maine.gov)

---

**From:** Kuhns, Mick  
**Sent:** Friday, July 13, 2012 1:44 PM  
**To:** Aho, Patricia; Bergeron, Mark; Beyer, Jim R  
**Subject:** Quick list of issues raised

While not comprehensive, here is a quick list of what I heard as the most commonly mentioned and/or pertinent issues raised:

Visual impact/night lights – 20 times  
Damage local economy – 7  
Inadequate/missing application info – 5  
Remoteness/quality of life/cumulative impact – 5  
Nearby conservation easement - 1

Others mentioned: need for a hearing, money going out of state, noise, transmission lines over capacity leading to a potential rate increase, and Horton.

Thanks,  
Mick

---

**From:** Bergeron, Mark  
**Sent:** Thursday, July 19, 2012 3:24 PM  
**To:** David Raphael  
**Cc:** Beyer, Jim R; Natalie Steen  
**Subject:** RE: Passadumkeag Wind Park

The conference call-in number is 1-877-455-0244, and the access code is 7843938477.

Talk to you tomorrow.

Thanks.

Mark Bergeron, P.E.  
Director, Division of Land Resource Regulation  
Maine Department of Environmental Protection  
(207) 215-4397  
[mark.bergeron@maine.gov](mailto:mark.bergeron@maine.gov)

---

**From:** David Raphael [<mailto:DavidR@LandworksVT.com>]  
**Sent:** Thursday, July 19, 2012 2:24 PM  
**To:** Bergeron, Mark  
**Cc:** Beyer, Jim R; Natalie Steen  
**Subject:** Re: Passadumkeag Wind Park

Great - thought that might be the case!

Talk to you tomorrow; and we will await the call in #.

David

On Jul 19, 2012, at 2:01 PM, Bergeron, Mark wrote:

Hi David- Good question – Call is tomorrow 7/20 at 1 pm.

Sorry for any confusion.

Thanks.

Mark Bergeron, P.E.  
Director, Division of Land Resource Regulation  
Maine Department of Environmental Protection  
(207) 215-4397  
[mark.bergeron@maine.gov](mailto:mark.bergeron@maine.gov)

---

**From:** David Raphael [<mailto:DavidR@LandworksVT.com>]  
**Sent:** Thursday, July 19, 2012 1:04 PM  
**To:** Bergeron, Mark  
**Cc:** Beyer, Jim R; Natalie Steen  
**Subject:** Re: Passadumkeag Wind Park

Mark-

Just a follow up on the confirmation- do you mean next Friday, which is 7-27; or tomorrow, which is 7-20. Just want to make sure.

Thanks!

David

On Jul 18, 2012, at 10:32 AM, Bergeron, Mark wrote:

Thanks, David. Confirming the time of the call to be 1 pm on Friday, 7/27.

Mark Bergeron, P.E.  
 Director, Division of Land Resource Regulation  
 Maine Department of Environmental Protection  
 (207) 215-4397  
[mark.bergeron@maine.gov](mailto:mark.bergeron@maine.gov)

---

**From:** David Raphael [<mailto:DavidR@LandworksVT.com>]  
**Sent:** Wednesday, July 18, 2012 10:17 AM  
**To:** Bergeron, Mark  
**Cc:** Beyer, Jim R; Natalie Steen  
**Subject:** Re: Passadumkeag Wind Park

Whoops! Didn't see this email.

OK let's go with Friday at 1PM and we will await your call in number (although we can provide as well.

David

---

David Raphael, ASLA  
 Landscape Architect + Planner, Principal

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**LandWorks**  
 228 Maple Street, Suite 32 :: Middlebury, VT 05753  
 Office 802.388.3011 :: Fax 802.388.1950  
[landworksvt.com](http://landworksvt.com)

On Jul 18, 2012, at 8:36 AM, Bergeron, Mark wrote:

Let's say Friday at 1 pm then for a phone call. I'll provide a conference call number that you can call into.

Thanks.

Mark Bergeron, P.E.  
 Director, Division of Land Resource Regulation  
 Maine Department of Environmental Protection  
 (207) 215-4397  
[mark.bergeron@maine.gov](mailto:mark.bergeron@maine.gov)

---

**From:** Beyer, Jim R  
**Sent:** Wednesday, July 18, 2012 7:19 AM  
**To:** Bergeron, Mark; David Raphael  
**Cc:** Natalie Steen  
**Subject:** RE: Passadumkeag Wind Park

Mark & David,

I have to go to Beddington on Thursday morning, but should be back here by 1 pm and I have to go to St. Albans on Friday morning, but should be back by 11 am.

I will have my phone, but service in Beddington is spotty at best. So Thursday afternoon or Friday works.

James R. Beyer  
Regional Licensing and Compliance Manager  
Division of Land Resources Regulation  
Eastern Maine Regional Office  
Maine Department of Environmental Protection  
(207) 446-9026

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**From:** Bergeron, Mark  
**Sent:** Tuesday, July 17, 2012 4:35 PM  
**To:** David Raphael; Beyer, Jim R  
**Cc:** Natalie Steen  
**Subject:** RE: Passadumkeag Wind Park

Thanks for the email, David.

I am available for a call Thursday afternoon and all day Friday. It looks like Jim is available those times too, but I'll let him confirm the time that works for him.

I look forward to talking with you.

Mark Bergeron, P.E.  
Director, Division of Land Resource Regulation  
Maine Department of Environmental Protection  
(207) 215-4397  
[mark.bergeron@maine.gov](mailto:mark.bergeron@maine.gov)

---

**From:** David Raphael [<mailto:DavidR@LandworksVT.com>]  
**Sent:** Tuesday, July 17, 2012 4:06 PM  
**To:** Beyer, Jim R; Bergeron, Mark  
**Cc:** Natalie Steen  
**Subject:** Passadumkeag Wind Park

Hi Jim and Mark-

Good to see you last Thursday, and as promised, I am emailing you to see about setting up a time to discuss the project via phone and the upshot from the meeting and my discussion with the Commissioner. I am available tomorrow through Friday, as well as most of next week.

I have started outlining some talking points for our discussion.

I'll look forward to hearing back from you,

Thanks,

David

---

David Raphael, ASLA



*Landscape Architect + Planner, Principal*

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**LandWorks**

228 Maple Street, Suite 32 :: Middlebury, VT 05753

Office 802.388.3011 :: Fax 802.388.1950

[landworksvt.com](http://landworksvt.com)

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*Lecturer :: Rubenstein School of Environment + Natural Resources*  
University of Vermont, Burlington

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**From:** David Raphael [davidr@landworksvt.com]  
**Sent:** Monday, July 23, 2012 4:48 PM  
**To:** Beyer, Jim R  
**Cc:** Mullen, Mike; Bergeron, Mark; Kuhns, Mick  
**Subject:** Re: Passadumkeag: Dewan comments on Landworks VIA review

Thanks, Jim; we'll take a look - and we will address our issue with the Duck Lake Cove simulation.

Please note also, and as a follow up to our discussion of last week, we have doem some research and have yet to find any examples of a scenic rating system being used specifically to deny a project; the use of the ratings approach is actually very recent in the Maine VIA process.

David

---

David Raphael, ASLA  
*Landscape Architect + Planner, Principal*

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**LandWorks**  
 228 Maple Street, Suite 32 :: Middlebury, VT 05753  
 Office 802.388.3011 :: Fax 802.388.1950  
[landworksvt.com](http://landworksvt.com)

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*Lecturer :: Rubenstein School of Environment + Natural Resources  
 University of Vermont, Burlington*

On Jul 23, 2012, at 3:10 PM, Beyer, Jim R wrote:

Here is the applicant's response to the peer review of the VIA.

James R. Beyer  
 Regional Licensing and Compliance Manager  
 Division of Land Resources Regulation  
 Eastern Maine Regional Office  
 Maine Department of Environmental Protection  
 (207) 446-9026

---

**From:** Barnes, Brooke [mailto:brooke.barnes@stantec.com]  
**Sent:** Monday, July 23, 2012 3:02 PM  
**To:** Beyer, Jim R  
**Cc:** MBeckner@quantumug.com  
**Subject:** Passadumkeag: Dewan comments on Landworks VIA review

Jim

Attached please find comments from Dewan Associates based on their review of Landworks VIA review. In Landworks review of these comments, please ensure that their issue with the location of the simulation from Duck Lake Cove is addressed. As requested in your email of July 20, I have also tasked Dewan Associates with preparing an additional psim from Saponac Lake.

Please feel free to contact me with any questions or if you need additional information.

*Brooke*

Brooke Barnes  
Senior Project Manager  
Stantec Consulting  
[brooke.barnes@stantec.com](mailto:brooke.barnes@stantec.com)  
Office: 207-729-1199  
Cell: 207-522-4870

<LANDWORKS RESPONSE 072312.pdf>

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**From:** Aho, Patricia  
**Sent:** Friday, July 27, 2012 9:50 AM  
**To:** Bergeron, Mark; Beyer, Jim R  
**Cc:** Kuhns, Mick; Parent, Heather; Mullen, Mike  
**Subject:** RE: Message for Passadumkeag

Thank you Mark

Patricia Aho  
 Commissioner  
 Maine Department of Environmental Protection  
 207-287-2812  
[Patricia.Aho@Maine.gov](mailto:Patricia.Aho@Maine.gov)

---

**From:** Bergeron, Mark  
**Sent:** Friday, July 27, 2012 9:30 AM  
**To:** Beyer, Jim R  
**Cc:** Aho, Patricia; Kuhns, Mick; Parent, Heather; Mullen, Mike  
**Subject:** Message for Passadumkeag

Hi-

This morning I spoke with Brook Barnes, the applicant's consultant from Stantec. I told him that the Department is heading toward a denial of the Passadumkeag Wind project based on unreasonably adverse impacts at Saponac Pond. He asked the basis for this position, and I expressed that the Table 2 Summary Table prepared by Landworks (indicating a 2.1 rating on a scale of 0 to 3), the user survey results, the photosimulations, and some of the information received at the second public meeting was guiding us toward a denial. I offered to have him submit any information to rebut this position.

We agreed that we would speak further on the issue at our meeting with the Commissioner on 8/1/12 at 1 pm.

Thanks.  
 Mark Bergeron, P.E.  
 Director, Division of Land Resource Regulation  
 Maine Department of Environmental Protection  
 (207) 215-4397  
[mark.bergeron@maine.gov](mailto:mark.bergeron@maine.gov)

---

**From:** Aho, Patricia  
**Sent:** Thursday, August 23, 2012 11:53 AM  
**To:** Beyer, Jim R; Parent, Heather  
**Cc:** Bergeron, Mark  
**Subject:** RE: Passadumkeag Wind and the Robbins Easement

Jim -- I'll work with Heather on your request.

Patricia Aho  
Commissioner  
Maine Department of Environmental Protection  
207-287-2812  
[Patricia.Aho@Maine.gov](mailto:Patricia.Aho@Maine.gov)

---

**From:** Beyer, Jim R  
**Sent:** Thursday, August 23, 2012 10:45 AM  
**To:** Aho, Patricia; Parent, Heather  
**Cc:** Bergeron, Mark  
**Subject:** Passadumkeag Wind and the Robbins Easement

Pattie and Heather,

Attached is a letter from Peter Roy contending that the Robbins easement area should be considered a Scenic Resources of State or National Significance and that the applicant should have done a visual impact analysis on this parcel. Also attached is a letter from Kat Joyce to Brooke Barnes with the applicant's response to that comment. I am looking for guidance on whether or not the Department is going to consider the Robbins easement area a SRSNS.

I am not a real estate lawyer and I don't play one on TV, but here are my thoughts. I always thought that a conservation easement was to protect a given piece of land from development when everything else around it was going to, or already has been, developed so that that one last piece of green space left. It was not to prohibit development on adjacent land and in some cases may actually promote it. From a practical standpoint, if we start calling any areas that have conservation easements on them SRSNS it makes reviewing any future wind power projects that much more difficult. How do we gage the expectations of a typical user of a conservation easement area and who are they? What is the significance of that easement area in terms of visual impact? I don't think the legislature intended to call all the conservation easement areas scenic resources, so which ones are and which are not.

I appreciate any guidance you can give me on this issue. I need to let all the interested parties know which direction the Department is going to head on this issue.

James R. Beyer  
Regional Licensing and Compliance Manager  
Division of Land Resources Regulation  
Eastern Maine Regional Office  
Maine Department of Environmental Protection  
(207) 446-9026

**Aho, Patricia**

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**From:** Aho, Patricia  
**Sent:** Monday, September 17, 2012 8:25 AM  
**To:** McLean, Carlisle  
**Cc:** Newman, Kathleen (kathleen.newman@maine.gov); Parent, Heather  
**Subject:** RE: Policy Change on

It works Carlie and I'll bring Heather with me. Heather undertook the analysis and will be able to explain further for you and Kathleen

Patricia Aho  
 Commissioner  
 Maine Department of Environmental Protection  
 207-287-2812  
[Patricia.Aho@Maine.gov](mailto:Patricia.Aho@Maine.gov)

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**From:** McLean, Carlisle  
**Sent:** Friday, September 14, 2012 2:20 PM  
**To:** Aho, Patricia  
**Cc:** Parent, Heather; Newman, Kathleen  
**Subject:** RE: Policy Change on

Ok, great. We can discuss as I'm sure you've thought through all the angles. Let us know if 3 will work Tuesday and if not, what other times would be good.

Thanks Pattie.

---

**From:** Aho, Patricia  
**Sent:** Friday, September 14, 2012 2:18 PM  
**To:** McLean, Carlisle  
**Cc:** Parent, Heather  
**Subject:** Re: Policy Change on

---

No- the federal nexus is not accurate.

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**From:** McLean, Carlisle  
**Sent:** Friday, September 14, 2012 01:30 PM  
**To:** Aho, Patricia  
**Cc:** Newman, Kathleen; Parent, Heather  
**Subject:** RE: Policy Change on

We've received many calls and correspondences on it, as I'm sure you have as well. It sounds like you've already made the change in policy decision that does establish a federal nexus. Is that the case?

---

**From:** Aho, Patricia  
**Sent:** Friday, September 14, 2012 1:13 PM  
**To:** McLean, Carlisle  
**Cc:** Newman, Kathleen; Parent, Heather  
**Subject:** RE: Policy Change on

I too have received a similar call. This is specific to the Passadumkeag permit in regards to the issue of whether a Forest Legacy designated easement is "....A natural landmark, federal designated wilderness area or other comparable outstanding natural and cultural feature, such as the Orono Bog or Meddybemps Heath;...." (emphasis mine). We

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**From:** Beyer, Jim R  
**Sent:** Friday, October 26, 2012 7:31 AM  
**To:** 'Barnes, Brooke'  
**Subject:** RE: Passadumkeag: Landworks review

Brooke,

Sorry I missed your call yesterday, but I was at a site visit for a tidal power project in Pembroke. The 10/3/12 memo is the last one I received from Landworks and I am not anticipating any more from them.

James R. Beyer  
Regional Licensing and Compliance Manager  
Division of Land Resources Regulation  
Eastern Maine Regional Office  
Maine Department of Environmental Protection  
(207) 446-9026

**From:** Barnes, Brooke [<mailto:brooke.barnes@stantec.com>]  
**Sent:** Thursday, October 25, 2012 3:15 PM  
**To:** Beyer, Jim R  
**Cc:** [MBeckner@quantumug.com](mailto:MBeckner@quantumug.com)  
**Subject:** Passadumkeag: Landworks review

Jim

My understanding is that the DEP's third party reviewer, Landworks, has not submitted any further review of the supplemental visual impact information provided by the Applicant (beyond their 10/3/12 memo (attached)). In that memo they note that they have not completed their review of the supplemental information.

Is the DEP anticipating receiving Landworks review comments prior to issuing a draft order? It would seem that the comments of your expert on the issue the DEP has identified as a basis for denial would be critical information to have prior to reaching a final decision.

*Brooke*

Brooke Barnes  
Senior Project Manager  
Stantec Consulting Services  
30 Park Drive  
Topsham, ME 04086  
[brooke.barnes@stantec.com](mailto:brooke.barnes@stantec.com)  
Office: 207-729-1199  
Cell: 207-522-4870

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**From:** Aho, Patricia  
**Sent:** Tuesday, October 30, 2012 4:18 PM  
**To:** Parent, Heather; Bergeron, Mark  
**Cc:** Kuhns, Mick; Beyer, Jim R  
**Subject:** RE: Passadumkeag: additional visual information

Heather- there is no need. The AG's office understands.

Patricia Aho  
 Commissioner  
 Maine Department of Environmental Protection  
 207-287-2812  
[Patricia.Aho@Maine.gov](mailto:Patricia.Aho@Maine.gov)

---

**From:** Parent, Heather  
**Sent:** Tuesday, October 30, 2012 3:44 PM  
**To:** Bergeron, Mark; Aho, Patricia  
**Cc:** Kuhns, Mick; Beyer, Jim R  
**Subject:** Re: Passadumkeag: additional visual information

I am focused on ensuring we meet our statutory requirements, including deadlines. To the extent that it is necessary, please have the AG's office call me on my cell phone to discuss. Thanks

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**From:** Bergeron, Mark  
**Sent:** Tuesday, October 30, 2012 02:46 PM  
**To:** Aho, Patricia; Parent, Heather  
**Cc:** Kuhns, Mick; Beyer, Jim R  
**Subject:** FW: Passadumkeag: additional visual information

Hi-

We received this additional visual information from the applicant today. I am consulting with the AAG's office on their input.

Thanks.  
 Mark Bergeron, P.E.  
 Director, Division of Land Resource Regulation  
 Maine Department of Environmental Protection  
 (207) 215-4397  
[mark.bergeron@maine.gov](mailto:mark.bergeron@maine.gov)

---

**From:** Beyer, Jim R  
**Sent:** Tuesday, October 30, 2012 12:56 PM  
**To:** Bensinger, Peggy; Bergeron, Mark  
**Subject:** FW: Passadumkeag: additional visual information

Now what?

James R. Beyer  
 Regional Licensing and Compliance Manager  
 Division of Land Resources Regulation  
 Eastern Maine Regional Office



Maine Department of Environmental Protection  
(207) 446-9026

**From:** Barnes, Brooke [<mailto:brooke.barnes@stantec.com>]  
**Sent:** Tuesday, October 30, 2012 12:54 PM  
**To:** Beyer, Jim R  
**Cc:** MBeckner@quantumug.com  
**Subject:** Passadumkeag: additional visual information

Jim

Since our meeting last week, and the DEP's subsequent denial of the Applicant's request to extend the processing period for the application in order to respond to the concerns raised, the applicant has attempted to quickly put together responses to the comments raised by the DEP.

First, the Applicant wishes to amend its application by removing Turbine #10, and the associated access road (see attached sketch figure from Exhibit 1, Sheet C-214, Civil Design Plans). This turbine reduction was chosen in order to reduce the visual impact to Saponac Pond, the issue DEP has identified as the critical issue for the project. Also attached is a memo from DeWan Associates discussing the turbine removal, and a revised visual sim #5, of Saponac Pond. This change reduces the project from the original 27 total turbines design, to 13 turbines for this application.

Finally, an additional memo from DeWan Associates is attached providing further explanation of the view represented in the 360 degree simulation; a comparison to other previously permitted projects; and a recent study on the effects of the Stetson Wind Project on use and enjoyment that provides very strong evidence of the lack of impact on us and enjoyment of a lake despite the very visual presence of many more turbines than the Passadumkeag project. The referenced studies area also attached.

The Applicant believes that this information, as well as previous information on visual impact that was field but not fully reviewed by the DEP's third party visual expert, must be fully reviewed by the DEP's expert before the DEP issues a draft order. To not solicit expert opinion on what the DEP has identified as the critical issue begs for a remand of the project on appeal.

Please let me know if you have any questions regarding this information.

*Brooke*

Brooke Barnes  
Senior Project Manager  
Stantec Consulting Services  
30 Park Drive  
Topsham, ME 04086  
[brooke.barnes@stantec.com](mailto:brooke.barnes@stantec.com)  
Office: 207-729-1199  
Cell: 207-522-4870



## Natural Resources Council of Maine

3 Wade Street • Augusta, Maine 04330 • (207) 622-3101 • Fax: (207) 622-4343 • [www.nrcm.org](http://www.nrcm.org)

November 8, 2012

James Beyer  
Maine Department of Environmental Protection  
Bureau of Land & Water Quality  
Division of Land Resource Regulation  
106 Hogan Road  
Bangor, ME 04401

**RE: Site Law Development Permit for Passadumkeag Wind Power Project**

**Comments of the Natural Resources Council of Maine on Draft Denial Order**

Dear Mr. Beyer,

NRCM appreciates the chance to offer two brief comments on the draft denial order for the Passadumkeag Wind Power Project.

First, we believe one of the conclusions in the draft order references a review standard not consistent with the law for wind power projects. Conclusion B with regard to the Site Location of Development Law (p. 40) states:

The applicant has not made adequate provision for *fitting the generating facility portion of the development harmoniously into the existing natural environment* and the development will have an unreasonable adverse effect on existing uses and the scenic character of Saponac Pond, a SRSNS. The applicant has made adequate provision for *fitting the associated facilities portion of the development harmoniously into the existing natural environment*. The applicant has made adequate provisions for air quality, water quality or other natural resources in the municipality or in neighboring municipalities. [emphasis added]

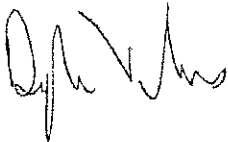
According to the law referenced on p. 10 of the draft order (35-A MRSA §3452), a determination that the development fits “harmoniously into the existing natural environment” regarding impacts on scenic character and uses for wind power generating facilities is explicitly not required for approval.

The law does allow this standard to be applied for *associated facilities* if the Department makes a separate determination that such facilities might cause an unreasonable adverse impact. However, as stated on page 11 of the draft order, the Department previously determined within 30 days of the application that such a standard was not required in this case.

We understand the draft denial of this project is exclusively with regard to impact on scenic character and uses. Therefore we suggest that this conclusion be amended to remove reference to fitting harmoniously into the environment<sup>1</sup>. It is not clear whether this is an error in drafting the order, or if an incorrect standard has been applied in the review.

Second, as you know from our comments, NRCM does not support or oppose this project. We submitted comments on the energy and environmental context for this project and technical comments regarding potential impacts on scenic resources and uses. The draft order includes a citation of some of NRCM's comments regarding the existing character and related uses of Saponac Lake. NRCM stands by those as well as the rest of our comments. However we believe the findings will more accurately reflect our public comment if they also note the fact that NRCM took no position regarding the reasonableness of scenic impacts on Saponac Lake. (We noted, for example, that although the *view* of Passadumkeag is highly scenic and relatively undeveloped, the users experience on the lake is *not* one of an undeveloped setting, which the presence of a paved state highway along the lake precludes.)

Thank you for your attention,



Dylan Voorhees  
Clean Energy Director

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<sup>1</sup> Reference to fitting harmoniously also occurs on p. 10 of the draft order; that too should be modified.

